

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-07 NSAE-00 PA-01
USIA-06 PRS-01 SP-02 L-03 PM-04 NSC-05 SS-15 H-01
/058 W

-----302209Z 032934 /66

R 301435Z DEC 76
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 0413
INFO AMEMBASSY BONN
AMEMBASSY BERLIN
USMISSION BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

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EO 11652: GDS
TAGS: PFOR, GE, GW, USSR, AU
SUBJECT: AUSTRIA AND THE BERLIN CLAUSE

REF: A) VIENNA 9295 B) USBERLIN 2447 C) BONN 19380

SUMMARY: SOVIETS HAVE RECENTLY OBJECTED TO PROPOSED AUSTRIAN APPROACH TO BREAK IMPASSE OVER DIFFERING INTERPRETATIONS BY FRG AND USSR ON BERLIN CLAUSE WHICH HOLDING UP AGREEMENT ON 17 AUSTRIAN-FRG DRAFT TREATIES. AUSTRIANS NEVERTHELESS ARE HOPEFUL THAT AFTER FURTHER MODIFICATION OF WORDING OF EXPLANATION TO ACCOMPANY TREATIES, SOVIET TOLERATION OF AGREEMENTS CAN BE ASSUMED AND FIRST OF TREATIES CAN BE PRESENTED TO AUSTRIAN PARLIAMENT FOR CONSIDERATION ARLY NEXT YEAR. END SUMMARY

1. SOVIET AMBASSADOR REGISTERED FAIRLY STRONG ORAL AND WRITTEN OBJECTIONS AT END OF NOVEMBER TO AUSTRIAN MFA REGARDING APPROACH MFA HAD DEVELOPED IN HOPES

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OF SATISFYING BOTH FRG AND USSR ON USE OF BERLIN CLAUSE (PAA 2 REFTEL A) IN PENDING DRAFT AUSTRIAN-FRG AGREEMENTS. BRIEFLY, APPROACH FORESAW USE AS HERETOFORE OF LAND BERLIN DESIGNATION IN TEXT OF TREATIES WHILE, AS EFFORT TO PLACATE USSR, PRESENTATION OF TEXT TO AUSTRIAN PARLIAMENT WOULD INCLUDE

EXPLANATION THAT LAND BERLIN REFERS ONLY TO WESTERN SECTORS OF BERLIN WHICH ARE NOT PART OF FRG. AUSTRIANS WERE INITIALLY ENCOURAGED BY FACT THAT DISCUSSION OF APPROACH WITH SOVIET EMBASSY DCM IN EARLY NOVEMBER DID NOT PRODUCE NEGATIVE REACTION; IT WAS FELT THAT WHILE SOVIETS COULD NOT BE EXPECTED TO APPROVE AUSTRIAN APPROACH, THEY MIGHT TOLERATE IT IN BROADER INTEREST OF DETENTE, BILATERAL RELATIONS, ETC.

2. SOVIET AMBASSADOR, HOWEVER, DAMPENED MFA'S GUARDED OPTIMISM WHEN HE PAID UNANTICIPATED CALL ON FONMIN AT END OF NOVEMBER AND, FOLLOWING ORAL REPRESENTATIONS AGAINST AUSTRIAN SCHEME, LEFT NON-PAPER SETTING FORTH IN GREATER DETAIL SOVIET OBJECTIONS. MAIN POINTS OF SOVIET LINE OF ARGUMENTATION FOLLOW:

- (1) USE OF LAND BERLIN CLAUSE, AS DESIRED BY FRG, WOULD BE QTE CONCESSION TO ILLEGITIMATE PRETENSIONS OF FRG UNQTE AND REPERSENT ATTEMPT TO INFRINGE ON COMPETENCIES OF CAPITAL OF GDR AND INTERFERE IN INTERNAL AFFAIRS OF GDR;
- (2) FRG HAS ALREADY CONCLUDED TREATIES WITH QTE SOCIALIST COUNTRIES AND FINALAND UNQTE USING BERLIN WEST CLAUSE WHICH CORRESPONDS TO QUADRIPARTITE AGREEMENT (QA) OF SEPTEMBER 3, 1971; AUSTRIA SHOULD THEREFORE DO SAME;
- (3) EXPLANATION PROPOSED BY AUSTRIA DOES NOT MAKE USE OF AUTHENTIC TEXT OF QA BUT OF WEST BERLIN VARIANT OF CONFIDENTIAL

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TRANSLATION OF DOCUMENT INTO GERMAN, WHICH VIOLATES SENSE OF QA:

(4) PROPOSED AUSTRIAN EXPLANATION, BY CITING QTE STIPULATIONS OF QA'S ESTABLISHED PROCEDURES UNQTE, WOULD BE CONTRARY TO LEGAL SITUATION WHICH PROVIDES FOR EXTENDING CERTAIN TYPES OF AGREEMENTS WITH FRG TO INCLUDE WEST BERLIN ON BASIS OF QA, NOT ON BASIS ANY SO-CALLED QTE ESTABLISHED PROCEDURES. UNQTE

(5) INTERNATIONAL AGREEMENS WITH FRG WHICH DEAL WITH QUESTIONS OF STATUS OR SOVEREIGNTY OF BERLIN CANNOT BE EXTENDED TO INCLUDE WEST BERLIN.

3. AUSTRIAN MFA CONSIDERS LATEST SOVIET INTERVENTION TO HAVE ONCE AGAIN COMPLICATED, BUT HOPEFULLY ONLY

TEMPORARILY, MATTER FOR GOA. ACCORDING TO DECEMBER 28

COMMENTS OF SENIOR AUSTRIAN MFA SOURCE, AUSTRIAN WORDING OF EXPLANATION, WHICH MODIFIED SLIGHTLY AFTER AUSTRIAN-FRG DISCUSSIONS IN BONN IN MID-NOVEMBER, WILL PROBABLY NOW BE FURTHER MODIFIED. POSSIBILITY IS ALSO NOW CONSIDERED OF HAVING AUSTRIAN EXPLANATION SIDESTEP CONTROVERSY OVER FRG-GDR VERSIONS OF GERMAN TRANSLATION OF PERTINENT PASSAGES (PART II B) OF QA BY PUBLISHING SAME PASSAGES NOT IN GERMAN BUT ONE OF AUTHENTICATED LANGUAGES OF QA (E.G., FRENCH).

4. AT THIS JUNCTURE, AUSTRIAN MFA STILL HOPES TO MOLLIFY SOVIETS WITH EXPLANATION WHILE MEETING FRG WISHES WITH LAND BERLIN CLAUSE IN TEXT OF TREATIES. IF SUCH PROVES FEASIBLE, MFA WOULD ANTICIPATE FIRST OF 17 PENDING AUSTRIAN-FRG TREATIES BEING PRESENTED TO AUSTRIAN PARLIAMENT FOR APPROVAL EARLY NEXT YEAR.

5. FOREGOING INFORMATION ON SOVIET ATTITUDES AND
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AUSTRIA'S LIKELY NEXT STEPS ON ISSUE PROVIDED EMBASSY BY MFA WITH UNDERSTANDING THAT IT NOT BE PASSED TO FRG SINCE GOA HAS NOT YET DISCUSSED ISSUE AGAIN WITH FRG. BUCHANAN

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, DIPLOMATIC PROTESTS, FOREIGN POLICY POSITION, BERLIN QUADRUPLETTITE MATTERS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976VIENNA10520
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760476-0648
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976122/aaaaabfr.tel
Line Count: 143
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 VIENNA 9295, 77 USBERLIN 2447, 77 BONN 19380
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 29 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 MAR 2004 by hartledg>; APPROVED <16 AUG 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AUSTRIA AND THE BERLIN CLAUSE
TAGS: PFOR, GC, GE, UR, AU
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006